REMARKS

This response is being filed in response to the office action dated August 26, 2003. The present application was filed on January 18, 2002 with original claims 1-12. In a preliminary amendment, claims 1-6 and 8-12 were amended and new claim 13 was added. In an amendment dated June 4, 2003, claim 1 was amended. The claims remaining in consideration are claims 1-13. Claim 1 is the only independent claim with claims 2-13 being ultimately dependent thereon. Reconsideration is respectfully requested.

Claims 1, 2 and 4 were rejected under 35 USC §103(a) as being unpatentable over by GB 1,083,203 (the '203 reference) in view of U.S. Patent 5,904,845 issued May 18, 1999 to Giorgio Girondi ("Girondi"). This rejection is respectfully traversed.

The present invention as embodied in independent claim 1, sets forth a fuel filter having a filter body with opposing filter body ends. The filter body defines an internal chamber within which a filter medium is to be located. The filter medium includes an outer periphery and a filter member having a first end secured to a support plate. The second end of the filter member is secured to the filter body. The support plate has an outer periphery which engages the inner surface of the filter body. The first and second ends are secured such that fuel can only flow from the outer periphery of the filter medium to an inner part of the filter medium by flowing through the filter medium. The filter body is of multi-part construction. The parts of the filter body are non-removably, sealingly secured to one another such that the parts of the filter body form an integral whole. The filter body is shaped to define an inlet port and an outlet port communicating with dirty and clean sides of the filter medium, respectively. Both the inlet and outlet ports are positioned at the same body end of the filter body.

The '203 reference relates to a replaceable filter for filtering contaminants of a fluid between inlet and outlet passages. The filter includes a base plate **1** which is attached directly to a flat surface or frame **3** such as an engine block by a screw threaded projection. Fluid carrying inlet and outlet passages are integral with the frame **3** and communicate with the filter by way of two openings on the flat surface 4, 5. One of the openings cooperates with the screw threaded projection. The other of the openings cooperates with an outer annular portion of the base plate **1**. The base plate **1** provides a surface to which a filter member **7** is attached by way of a layer **10** which undergoes polymerization, thus bonding the filter member **7** to the base plate **1**. A layer or plate **12** of similar of identical material is disposed on the distal end of the filter member

to seal the second end of the filter member. The base plate 1 has openings around its edge whereby fuel is permitted to flow from an inlet port defined by the surface, though the openings, and into communication with the central tube and outlet openings via the filter member 7.

As the Examiner has readily admitted, the '203 reference does not teach the present invention as embodied in independent claim 1. *Inter alia*, the '203 reference does not teach the support plate "having an outer periphery which engages the inner surface of the filter body" (see Final Office Action, page 2, lines 3-4 from bottom).

In applying Girondi, the Examiner makes the following statements:

> "Girondi discloses an analogous filter that includes a support plate 22 that is *obviously* disposed in contact with an inner surface of a filter body 10 since the *only* flow between chambers 31 and 33 is through the flow apertures 22a (see FIGS. 1 and 3), and suggest that such a member functions as a baffle to maintain heavier contaminants within chamber 33 positioned adjacently below the support plate. It would have been obvious to have modified the support plate of '203 so as to have been in close proximity to an inner surface of the filter body as suggested by Girondi in order to maintain heavier contaminants within a chamber adjacently below the support plate." (Emphasis added).

The Examiner's statements are erroneous for several reasons.

First, the Examiner incorrectly states that the lower disk 22 of Girondi is "obviously disposed in contact with an inner surface of a filter body 10 since the only flow between chambers 31 and 33 is through the flow apertures 22a".

This is clearly not shown or taught by Girondi. Both Figures 1 and 3 clearly show a gap between the inner surface of the outer container 10 and lower disk 22.

Additionally, while apertures 22a do provide "free passage between the first chamber 31 and the third chamber 33", Girondi contains no statement that this is the only flow between chambers 31 and 33, as incorrectly suggested by the Examiner.

Thus, neither the '203 reference nor Girondi teach a support plate "having an outer periphery which engages the inner surface of the filter body" as required by claim 1.

Therefore, applicants respectfully assert that the present invention as embodied in claim 1, is not taught nor suggested, by the '203 reference or Girondi, singularly or in combination and, thus, that the rejection of claim 1 under 35 USC §103(a) is improper. Applicants, therefore, request that the §103 rejection be withdrawn.

Claims 2-13 are ultimately dependent upon allowable claim 1. Thus, for the reasons set forth above, and based on their own merits, applicants respectfully assert that claims 2-13 are also allowable.

All of the Examiner's rejections and objections having been successfully traversed or made moot, Applicant(s) assert that the present application is now in condition for allowance. An early Notice of Allowance is solicited. If the Examiner believes that a telephone interview would be helpful, please contact the undersigned at the number provided.

Respectfully submitted,

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